UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA]		
v.	J	No	16-CR-10124-WGY
	J	110.	10-CK-10124-WG1
	J		
CARLOS RAFAEL and]		
ANTONIO FREITAS]		

ASSENTED-TO MOTION TO CONTINUE TRIAL DATE ONE WEEK

The government hereby moves for a one-week continuance of the newly set trial date for defendant Carlos Rafael (or for defendant Antonio Freitas, should Rafael's case be resolved short of trial). As reasons for this request, the government states the following:

- Yesterday the Court suggested, and the parties agreed, to a trial date of February 6, 2017, for defendant Rafael, with defendant Freitas's trial to immediately follow.
- At that time undersigned counsel (because he had failed to enter it into his calendar), had utterly forgotten that he will be in Croatia and Moldova on business from January 29, 2017, to February 4, 2017. This would make it very difficult to be ready for trial on February 6, 2017.
- 3. A one-week continuance will not prejudice Rafael or Freitas; Freitas is not scheduled for trial until after Rafael in any event.

WHEREFORE, the government respectfully moves for a one-week continuance, to February 13, 2017, of the trial date for defendant Rafael, with trial of defendant Freitas to immediately follow unless Rafael's case is resolved before trial, in which case Freitas will go to trial on February 13, 2017, instead.

The government does not move to continue any of the Court's pretrial deadlines.

Respectfully submitted,

Carmen M. Ortiz United States Attorney

By: <u>/s/ Andrew Lelling</u>

Andrew E. Lelling
Assistant U.S. Attorney

Date: December 13, 2016

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants, on December 13, 2016.

/s/ Andrew Lelling
Andrew E. Lelling